CHANG LIANG SANG & ORS.

v.

PUBLIC PROSECUTOR

FEDERAL COURT, KUALA LUMPUR
RAJA AZLAN SHAH CJ (MALAYA)
WAN SULEIMAN FJ
EUSOFFE ABDOOLCADER J
[CRIMINAL APPEAL NO. 15 OF 1980]
21 JUNE 1982

CRIMINAL PROCEDURE: *Appeal against - Conviction - Justification of - Death sentence - Appeal against s. 39B(1)(a), (2), Dangerous Drugs Act 1952.*

The appellants who were charged with trafficking 974 grammes of heroin, were found guilty. They were convicted and sentenced to death by the trial Court. This is an appeal against the sentence.

Held:
In order to mark the gravity of the offence of drug trafficking, other than in the most exceptional circumstances, a sentence of death should be imposed following a conviction.

[Appeal dismissed.]

Case referred to:
Loh Hock Seng & Anor. v. PP [1980] 2 MLJ 13

Legislation referred to:
Dangerous Drugs Act 1952, ss. 39B(1)(a), (2)

For the 1st, 2nd and 3rd appellants - Mohd. Noor bin Hj. Don
For the 4th appellant - Karpal Singh
For the respondent - Shaik Daud, DPP

JUDGMENT

Raja Azlan Shah CJ (Malaya):

The appellants were charged with trafficking 974 grammes of heroin, an offence under s. 39B (1)(a) of the Dangerous Drugs Act 1952 and punishable under s. 39B(2) of the said Act.

The evidence against them showed that they were involved in the sale of heroin and that they were part of an organized syndicate trafficking in dangerous drugs. They were convicted and sentenced to death.

We dismissed their appeal against conviction as we were satisfied that there was sufficient evidence to justify their conviction.

We considered the appeal against sentence. In that respect we would like to stress that in drug trafficking cases very little allowance can be made for the circumstances of individual offenders. We had said enough in *Loh Hock Seng & Anor. v. PP* [1980] 2 MLJ 13 and similar cases. A study of these cases indicate the strong concern of this Court that as far as possible in this difficult area of sentencing there should be reasonable conformity in the sentences imposed in similar cases. Other than in the most exceptional circumstances, a sentence of

death should be imposed following a conviction for trafficking, in order to mark the gravity of the offence, to emphasize public disapproval, to serve as a warning to others, to punish the offenders and most of all to protect the public.

We dismissed their appeal against sentence.

Also found at [1982] CLJ 399